



ZFN
Docket No.: I9000.0058/P058
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marit Nilsen-Hamilton

Application No.: 10/809,886

Confirmation No.: 7776

Filed: March 26, 2004

Art Unit: 1635

For: ALLOSTERIC PROBES AND METHODS

Examiner: K. Chong

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 4, 2006 (Paper No. 11222005), Applicant hereby provisionally elects Group I, claims 1, 3, 4 and 5-18 for continued examination with traverse. With regard to the election of a target from claims 8, 10, and 17, Applicant elects lipopolysaccharide. With regard to the election of a target from claim 9, Applicant elects prostate specific antigen.

The Office Action sets forth nine groups (Groups I-IX) inventions. With regard to claims 8, 10, 17, 18, 20 and 23, the PTO alleges that each second target capable of binding by the regulated aptamer considered to be unrelated "since each second target claimed does not share a common core structure, each second target is functionally independent and distinct, and the second targets do not share a common utility." Office Action at 10. However, each of the targets share a substantial structural

feature in binding to the probe of claim 7 (as recited in claim 8) or the probe of claim 1 (as recited in claims 10, 17 and 18). Furthermore, the limited number of targets recited in these claims can be searched without serious burden.

In addition, the PTO requires election of only one target for claims 8, 10, 17, 18, 20 and 33 despite the fact that the targets listed in claim 8 are different from the targets listed in claims 9, 10, and 17. Applicant respectfully requests that the Examiner permit election of a target listed in claim 8.

M.P.E.P. § 803 directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." This directive should be followed in this case. Therefore, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-55 presently pending in this application be examined.

Dated: February 3, 2006

Respectfully submitted,

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